REMARKS

1. Status of the Claims and Claim Numbering

In the Notice, the Examiner asserts that the status of claims as indicated in Applicant's previously reply of November 11, 2008 is incorrect. Specifically, the Examiner alleges that the status of claims 40-42 is incorrect because only claims 1-39 were present in the amendment filed on April 21, 2008 (the "April 2008 Reply"). As explained below, in view of the history of claim amendments for this application, Applicant submits that the claim numbering in the April 2008 Reply amendments was erroneous. New claims 38 and 39 of the April 2008 Reply should have been numbered 41 and 42. The Office Action mailed on May 29, 2008, however, entered the amendments requested in the April 2008 Reply and thus sustained Applicant's erroneous numbering recognizing the presence of claims 1-39. Based on a correct accounting for claim numbering, Applicant submits that claims 21, 23, 35, 36, 41, and 42 are pending in this application. Claims 21, 23, 35, and 41 are allowed.

Shown below is an account of the pending and canceled claims during the prosecution history of this application. Only claim amendments that were entered are indicated.

Date	Pending Claims	Canceled Claims
08/28/03 (original claims)	1-20	None
09/13/06	21	1-20
09/21/06	21-40	1-20
05/09/07	21, 23-25, 27, 28, 35, 36	1-20, 22, 26, 29-34, <i>37-40</i>
10/01/07	21, 23-25, 27, 28, 35, 36	1-20, 22, 26, 29-34, <i>37-40</i>
04/21/08	21, 23, 35, 36, 38, 39	1-20, 22, 24-34, 37

As shown in the table, new claims 22-40 were introduced by Applicant's amendment of September 21, 2006. See Appendix A. These amendments were entered and then recognized in the Office Action mailed on November 9, 2006, which indicates pending claims 21-40. See Appendix B. Claims 37-40 were subsequently canceled in Applicant's amendment of May 9, 2007. See Appendix C. This amendment was entered and then recognized in the Office Action mailed on May 30, 2007, which indicates pending claims only up to claim 36. See Appendix D. The same claims, 21, 23-25, 27, 28, 35 and 36 were pending after Applicant's amendment of October 1, 2007, as indicated by the Office Action mailed on November 20, 2007. See Appendix E.

In view of this history, claims 1-40 have been present in the application since entry of the September 21, 2006 amendment, and Applicant's addition of new claims 38 and 39 in the April 2008 Application No. 10/604,943

Reply was erroneous. See Appendix F. Claims 38 and 39 should have been numbered 41 and 42. To correct this erroneous numbering, as explained in Applicant's most recent November 11, 2008 reply, Applicant indicated claims 37-40 as being canceled, and new claims 38 and 39 from the April 2008 Reply as being number 41 and 42. Applicant submits that the claim status indications in April 2008 Reply showing claim 40 as canceled, 41 as previously presented, and 42 as currently amended, are accurate. In view of the foregoing, Applicant respectfully requests that the Examiner withdraw the Notice and review the April 2008 Reply as filed.

2. Conclusion

Applicant respectfully submits that the instant application is in good and proper order for allowance and early notification to this effect is solicited. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the instant application, the Examiner is encouraged to call the undersigned at the number listed below.

Respectfully submitted,

POLSINELLI SHALTON FLANIGAN SUELTHAUS PC

Dated: February 9, 2009 On behalf of: Teddy C. Scott, Jr., Ph.D.

Registration No. 53,573

By: /Ron Galant, Ph.D./ Ron Galant, Ph.D.

Registration No. 60,558 Customer No. 37808

POLSINELLI SHALTON FLANIGAN SUELTHAUS PC 180 N. Stetson Ave., Suite 4525 Chicago, II. 60601 312.819.1900 (main) 312.602.3955 (E-fax)

312.873.3613 (direct)

-3-

APPENDIX A

Application No.: 10/604,943

Docket No.: 050992 0300 CPUS07

- 32. (new) The nucleic acid of claim 30, wherein the nucleic acid is capable of modulating expression of a target gene.
- 33. (new) The nucleic acid of claim 31, wherein the nucleic acid is at least 15/25 complementary to a binding site sequence of 18 to 24 nucleotides of a target gene and wherein the binding site sequence is located in an untranslated region of RNA encoded by the target gene.
- 34. (new) The nucleic acid of claim 32, wherein the nucleic acid is at least 15/25 complementary to a binding site sequence of 18 to 24 nucleotides of a target gene and wherein the binding site sequence is located in an untranslated region of RNA encoded by the target gene.
- 35. (new) A vector comprising an insert, wherein the insert consists of the nucleic acid of claim 24.
- 36. (new) A vector comprising an insert, wherein an insert consists of the nucleic acid of claim 25.
- 37. (new) A probe comprising insert, wherein an insert consists of the nucleic acid of claim 21.
- 38. (new) A probe comprising an insert, wherein an insert consists of the nucleic acid of claim 25.
- 39. (new) A gene expression inhibition system comprising the vector of claim 35 and a means for inserting said vector into a cell.
- 40. (new) A gene expression inhibition system comprising the vector of claim 36 and a means for inserting said vector into a cell.

APPENDIX B



United States Patent and Trademark Office

DATE MAD DO 11/09/2006

APPLICATION NO		SECURE DATE	ESEST SAMED SYVENDOR	ARTORNEY DOCKET NO.	COMPRESSOR NO.
10/694,943	***********	0522822083	Statistick Mosowich	85/09/97.000/03/PU/997	3045
37696	1590	3 1200/00046		83,4448	88
ROSETTA	GENC	MICS		9696,04	XÁ B
o/o PSWS 700 W, 471		ET		ART LONG	25/25/2 25/25/5
SUITE 100				89/23	
KANSAS C	EFY, M	() 84112			

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO NOC (Rev. 1003.0)

	S. 9-90	Office Action Some		Page of Pages No. Alba Glass 2004000
neds D go	n of Richard age. Open (FIG. 199) out Scholard Paper Doubling Sprint reside Doublins (Resonantia) (FIG. 1993) o homolekin Salo (1994)		40 main sun 88 main sun 68 con	orgay (P100-4 S2) ant Distr
Attenhane	1965			
	tion, and sections to the section of	Merchan, active, the subject Project Project Project	scores sustanting color susp	, and a second s
1.5	approximate many are many for the allected detailed Office at			Sunda
	abhitrariou pour pe juressi 2771 Cobres to pre-coupers outs			niconnect as analy expensions outsides
	3. Continues copiers of the prior 3. Copiers of the continue once			
	 Contilled copies of the prior Contilled copies of the prior 			Danisa Na
300	DAS MC Serre : MC Norm V			
	Acknowledgement is made of a ob-		sper an w. S. C. § 11	saista-tat ox tis
		Are Very Securitary and other tra		string tell on the
Priorite x	mder 35 U.B.C. § 119			
11000	The each or declaration is objects	o to by the Examinor, N	ion the etechnol O	Micro Applips of form PTO-163.
	Replacement drawing sheet(s) Inclu-			
	Applicant may not request that any a			
1000	The drawing(s) filled an bris			
280	The specification is objected to by	the Examiner.		
	us Papare			
			-	
	Cluster(s) are audiject to res		requirement.	
	Crossops Issues abjected to			
	Clarinoted 25-46 is/are projected.			
	Cloin(s)ichra altwart			
	4a) Of the above clark(e)		annieteratiem	
	Chainspi (11-4) halass psending in	the application		
Disposit	ion of Clatina			
	ctioned in ancorpance with the pro-	uttan under Eir perto Q	oeye, 1985 C.D. 1	1, 488 0.0, 213.
383	Since this application is in condit			
	Tride angless in P9644;	2018) This action is		
	Responsive to communication(s)			
Status				
- 1/300 - 1/300 - 5/300 - 5/300	norma o di sera mang de parallello antide Per general resis del 1900 f. Per Singan tra navenny dependi el sera grafica de la regla y expenditat altama de desacrata la regla estada de prima especial de la regla estada de por social del per de l'India de desacrata estada de por social del per de l'India desarrata estada estada de por social del per de l'India de l'India del Colonia estada por social del per de l'India del Per de l'India del Colonia del per social del per de l'India del Per de l'India del Per de l'India del per social del per de l'India del Per del Per de l'India del Per de l'India del Per del Per de l'India del Per de l'India del Per del	promunication. number and partial held apply and a entity will, by applying the se the arter the making date of the se	už vogove (UK pl.) 60(161741) Slovetkov na kontrova v SKARI	i sajardis maling sins afalis coronacinatos.
399980	SHIPMER IS LONGER, FROM THE	EMARING DATE OF T	HIS COMMENTAL	BON.
Period to	K REPLY ORTENSO STATUTORY PERIOR	- 200 0224 V 10 027	nn nyeumn « sava	TURE OF THEFTY DISC TANK
	- The MASSING DATE of this oconn	versionation appears on th	e cover phent with :	вы состорожным выблека
		Dans Sh		4635
	Office Action Summary	Exercise		Art Stort
		10004.5	43	BENTWICK 17294AK

APPENDIX C

Application No.: 10/604,946

Decker No.: 050992,0000307USCP

AMENDMENTS TO THE CLAIMS

- 1. 20. (canoring):
- (Correctly Amended) An included exclude anide consisting of 48-ee-430 \(\infty\) method this wherein the sequence of the sucker acid conquisor.
 - (a) as least 45-Y constructive sucheoldes of SEQ 4D NO-47608QS; 122, 131, or 133.
 - (b) as RNA equivalent of (a);
 - (c) a sequence at least 49/69(2,2% idensical to (a) or (b); or

(d) the complement of any one of (a)-(a),

aissade

Xedikan.120. Yedik.and

XXX.

and and

- (Camently Amended) The nucleic acid of claim 21, wherein the ablence-bill, marked the isage, of a sequence selection-oppoint from the group constaint of SEQ ID NOS: 477, 480, and 482.
- (Currently Amended) The nucleic acid of claim 21, wherein the evolvie-oxid-omnion of Xn18 in 24 professions.
- (Coverely Amendul) The michale acid of claim 21, wherein XmY, the exquence of the matrix
 acid countries of:

(a)886G-49-NG+3766-

an RNA-aquivalent of (a):

(aso recommo en lesso 43/43 excitentidos identicad en (a) en Osto en

(d)the complement of any one of (a) (a).

- 26. (Commissi)
- (Corrently Amended) The modele acid of claim-28(3), viscosis X₁₀Y₁(see as least-18 anotheristics to 40 a consumer activated from the group agraduate of SEO-40-NOW 477-48% and 485.
- (Cornectly Amended) The coefficir sold of cloim 25, wherein the number-wish-massive-of Xx18 to 24-massive time.
 - 29. 34 (Casceled)
- (Carrently Amended) A vector comprising mointent-volumein the inter-consists of the nucleic axid of claim 24.
- 36. (Cassently Amended) A vector comprising an issuest-wiseesin-an-issuest-nomina-of-the mutate acts of shim 25.

.2.

Application No.: 10/604,945

Docker No.: 050992/8500.03030CP

37, -40 (Canceled)

APPENDIX D



Owner States Parent age Tearmany Owner

Control of the Parish

- Collins			all control of the second
APPLE 2010 18 APPLE 2010 APPLE 20	*80.00G 5x*88	20000 00000 0000000	NALIZABERRO DENTERANO COMMUNICACIONO
19(604,943	96/28/9965	Inhak Berrelah	680992.4060.CPU807 1942.
ROSETTA-GEN GIS PSWS 700 W. 47TH ST SUITE 1000 KANSAS CITY.	TREST		SCHARGER STON, DAMS IS ART ORDY TAPER MARKEY 1859
			MANUEL BATTE DESCRIPTION

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PROJ. 46A (Nov. 54-67)

West Control	0400145 01004 014 (05-06)	Office Action Sum	·····	Part of Pager No. Adail Cate 30070517
3) (2) seriore Pape	u of Credoparson's Perent Browing Rose nation Declarace Statement (STO:00 1 Majohthal Date <u>5,537</u>	sw (P1G-(set) (St)	82 Stokes of 1 63 Other:	spetial Color. Internal Patent Application
	e of References Cope (PTO-892)		4) [] tecoryles:	Summary (PTO-413)
A				
×	An area mereninan pagaggggg despeta a	AND THE REAL PROPERTY OF STATE OF	various surgeres costs	S. de de de constantes
×	appecation from the inter- ex the attached detailed Office :			menioned
	 Copies of the certified cop application from the Intern 			received in this National Stage
	2. Contilled copies of the pric			
	1. Certified copies of the pric			
25%	JAS DI Some CO None C			
	Acknowledgment is made of a ci		inder 39 U.S.C. (E 119695-fab as til:
	nder 35 U.S.C. 5 119			
				d Office Action or form PYO-152.
				(c) is objected to. See 37 CFR 1.121(d).
	Applicant may not request that say			
	The drawing(s) filed onis/		ot betoelde Did	by the Examiner.
	The specification is objected to b	v the Examiner.		
Applicati	on Papers			
8)()	Claim(e) are subject to re	striction and/or eleption	requirement.	
	Chaim(s) is/are objected to			
	Claim(s) 21.23-25.27.28.35 and			
	Claim(s)is/ere allowed.			
	(a) Of the above claim(x)	isolare withdraws from t	consideration.	
	Challe(ii) 21.23-55.27.28.35-800			
	on of Claims			
		manual and and also before a		and the second second
	closed in accordance with the pr			
				ers, prosegution as to the marits is
	This action is FINAL.	2biCl This action is	non-first	
218	Responsive to communication(s)	thed on 69 May 2007		
Status				
WHIC - bala ater - rad - rad	HEVER IS LONGER, FROM THE	E MAILING DATE OF ' some of the CPR is store, for one processor processor of store year some of the CPR is store year some of	THIS COMMUNICATION AND A STREET OF THE STREE	CATION. THE SE SENSE SEE SEE SE
		A DAM BEDI VICIET	TYN EQUIDIO VIA	ONTH(S) OR THIRTY (30) DAYS,
Period fo	- The MAILING DATE of this come r Namiu	munication appears on t	he povar about w	ith the correspondence scidress
		Dane S		1636
Office Action Summ	Office Action Summary	Examin	47	Art Unit
		10/804	943	BENTWICH, ITZHAK
		1.44	Son No.	Applicant(s)

APPENDIX E



DINTERN STATES PATENT AND TRADEMARK OFFICE



ON HISTALDIZENA	PRINCIDATE	FIRST HASKES DIVESTOR	ATTORNEY BOCKET NO	CONFIDMATION NG.
162604,943	68/23/2963	Habitala Beretteriolis	010992,01085,074,550.9	1343
STREE ROSETTA-GE	1990 1972/00/07 NESKARETC		EXASS	INER
e/o PSWS	190191013		58UN, D	ANA D
700 W. 47TH 9	TREET		1901186	PAPER NUMBER
SLUTE 1009			981 (00)	Linea wowers
KANSAS CITY	r, MO 64112		1858	
			MAIL SATE	DESTABLE PROCES

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTGC-95A (8cs 06/97)

		Application No.	Applicant(s)
		10994,943	BENTWICH, STZHAK
Office Action Summary	Office Action Summary	Examiner	Art Unif
		Dane Shin	1635
Period to		nicution appears on the cover sheet	t with the correspondence address -
WHICH Store of the Control of the Co	HEVER IS LONGER, FROM THE A	MARLING DATE OF THIS COMSITION OF THE PROPERTY OF THE	y a night die fernis filed BOSTINS tom die mening siele of file nationalisation. I Administration (1961), C. è 1900.
Status			
1100	Responsive to communication(s) fil	ied on 01 October 2007.	
		20(C) This action is non-final.	
			saffers, procedulion as to the merits is
	closed in accombance with the pract		
Dispositio	on of Claims		
4100	Claim(s) 21,23-25,27,28,35 and 36	is/are pending in the application.	
	ta) Of the above claim(s) isn		
	Ctairn(s) is/tare ultowerd		
	Claim(s) 21, 23-25, 27, 28, 35 and 36	is/era rejected.	
	Claim(s) is/are objected to.		
	Claim(s) are subject to restri	ction and/or otoction requirement.	
Application	on Papers		
9)[]]	The specification is objected to by the	ne Examiner.	
	The drawing(s) filed onhvare		to by the Exeminer.
	Applicant may not request that any obje		
			ing(s) is objected to. See 37 OFR 1.121(d).
11)()1	The oath or doctoration is objected t	is by the Elizaminer. Note the attach	ted Office Action or form PTO-152
Priority u	nder 35 U.S.C. § 119		•
12)()/	Acknowledgment is made of a claim	for foreign priority under 35 U.S.C	1. § 119(a)-(d) or (f).
8)£	JAS b() Some *c) None of		
	1. Certified copies of the priority	documents have been received.	
	Contitled copies of the priority	documents have been received in	t Application No
	3 Copies of the certified copies		en received in this National Stage
4.00		onal Bureau (PCT Puse 17.2(a)).	
. 34	ee the attached detailed Office action	an play is little for the deciminat cochain in	ot tecevest.
Attachments	064 o of Pictorenous Okasi (PTQ-580)	n f"l www.	or Summary (PFC>413)
2) A Molice	i of Pesterences Class (PTQ-385) i of Drahabelson's Patest Drawing Penisw (PTO-948) Faper N	NoishMai Cate
	ration Claricaum Statementes (PTO/SB/06)		of toformal Pasent Appropriation

APPENDIX F

Application No. 10/604/943

Docker No. 050092.0300.07115CP

AMENDMENTS TO THE CLAIMS

- 26. (Canceled)
- (Currently Amended) An isolated mateir acid consisting of X-modecoides wherein the sequence of the mateir acid comprises is selected from the eroup consisting of:
 - (a) Y-consecutive-nucleotides-of SEQ ID NOS: 128, 131, or 133:
 - (b) an RNA equivalent encoded by the nucleic acid of (a); and
 - (c) a requested at least \$5.3% identical to (a) or (b); or
 - (d)(2) the complement of easy one of (a) (a) or (b), wherein the complement is identical in tensis to (a) or (b).

X = 20 to 120, Y = 20 to 120.

A. 3. W.

- 22. (Conceded):
- (Currently Amended) The As isolated audic acid of claim 24, wherein the Xnucleosides are of a sequence of the nucleic acid is selected from the group consisting of SEQ ID-MOS-473-480, and 483
 - (a) SEO ID NO.477, SEO ID NO.483, or SEO ID NO.482:
 - (b) as RNA encoded by the muricie acid of (s); and
 - (c) the complement of (a) or (b), wherein the complement is identical in leanth to (a) or (b).
 - 24. 34. (Cenerled)
 - 35. (Proviously presented) A vector comprising the nucleic acid of claim 21.
 - 36. (Currently Amended) A vector comprising the nucleic acid of claim 28 23.
 - 37. (Canceled)
 - 38. (New) A probe comprising the nucleic acid of claim 21.
 - 39. (New) A probe comprising the nucleic acid of claim 23.